

REMARKS

Reconsideration of this application is respectfully requested in view of the foregoing amendments and the following remarks. Claims 8-14 were pending in the application and were rejected in the Office Action. By way of this Amendment, Applicants have: (a) amended claims 8, 11, and 13; (b) canceled claim 9, without prejudice or disclaimer; and (c) added new dependent claim 15. Accordingly, claims 8 and 10-15 are pending for further consideration.

1. Rejections of Claims 8-12 and 14

The Examiner rejected: (a) claims 8 and 10-12 under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 6,006,865 (“Ammon”); (b) claims 8, 10, 12, and 14 under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent Application Publication No. 2004/0262087 (“Ach”); and (c) claim 9 under 35 U.S.C. § 103(a) as allegedly being obvious when considering Ach in view of U.S. Patent Application Publication No. 2001/0040071 (“Sasaki”). It is respectfully noted that the rejection of claim 9 is now moot due to its cancellation herein, without prejudice or disclaimer. Accordingly and for at least the following reasons, Applicants respectfully traverse each of the rejections of claims 8, 10-12, and 14.

As amended herein, claim 8 (*i.e.*, the claim from which claims 10-12 and 14 depend) recites an elevator that includes, among other possible things (*italic emphasis added*):

a car is guided in a shaft to move vertically along a pair of first guide rails between which the car is arranged;
a counterweight is guided to move vertically via a pair of second guide rails between which the counterweight is arranged;
at least one drive rope that connects the car and the counterweight is wound on the drive sheave of a hoist so that as the drive sheave is driven to rotate, the car and the counterweight move vertically in opposite directions;
a cantilevered support member fixed to one of the guide rails; and
a car overspeed governor mounted to the cantilevered support member,

wherein the first guide rails are arranged at approximately diagonal positions with the car therebetween, and

wherein one end of the at least one drive rope is fastened to the cantilevered support member.

As above-italicized, claim 8 recites a cantilevered support member to which a car overspeed governor is mounted and to which an end of at least one drive rope is fastened. In rejecting claim 9, the Examiner acknowledged that Ach “is silent concerning a support

member [that] is arranged in cantilevered configuration, [and concerning that] the support member supports the upper sheave of a car overspeed governor.” To cure this deficiency of Ach, the Examiner turns to Sasaki. As hereafter explained, however, Sasaki fails to cure each of Ach’s deficiencies with respect to claim 8.

Sasaki teaches, as shown in Fig. 2a, a support member 18 attached to a rail 5a in a cantilevered fashion. Moreover, Sasaki’s support member 18 supports a sheave 15 of a governor 13. Sasaki’s support member 18 is not, however, fastened to an end of at least one drive rope. As neither Ach nor Sasaki teaches or suggests a support member that is fixed to both: (a) a car overspeed governor; and (b) an end of at least one drive rope, the combination of Ach and Sasaki can not be used to reject claim 8. Moreover, it is respectfully noted that neither Ammon nor U.S. Patent No. 4,793,441 (“Cilderman”) cures these deficiencies of Ach and Sasaki.

In light of the foregoing, as Ach, Sasaki, Ammon, and/or Cilderman, standing alone or combined, fail to teach or suggest each of the limitations of claim 8, the references can not be used to reject claim 8, or any claim dependent thereon, under 35 U.S.C. §§ 102(b), 102(e), 103(a). Moreover, as claims 10-12 and 14 depend from claim 8, each of these dependent claims is also allowable over Ach, Sasaki, Ammon, and Cilderman, without regard to the other patentable limitations recited therein. Accordingly, a withdrawal of each of the rejections of claims 8, 10-12, and 14 is both warranted and respectfully requested.

2. Rejection of Claim 13

The Examiner rejected claim 13 under 35 U.S.C. § 103(a) as allegedly being obvious when considering Ach in view of Cilderman. For at least the following reasons, Applicants respectfully traverse this rejection.

As presented herein, the previously presented version of claim 13 has been amended to be in independent claim format, *i.e.*, the subject matter recited in claim 13 is unchanged. As presented, claim 13 recites an elevator that includes, among other possible things (*italic emphasis added*):

- a car is guided in a shaft to move vertically along a pair first guide rails between which the car is arranged;
- a counterweight is guided to move vertically via a pair of second guide rails between which the counterweight is arranged;
- a drive rope that connects the car and the counterweight is wound on the drive sheave of a hoist so that as the drive sheave is

driven to rotate, the car and the counterweight move vertically in opposite directions,
wherein the first guide rails are arranged at approximately diagonal positions with the car therebetween, and
wherein a third guide rail is arranged as a derailment prevention means for preventing the car from derailing from the pair of first guide rails.

In rejecting claim 13, the Examiner acknowledged that “Ach is silent concerning a third guide rail [] arranged as a derailment prevention means[.]” To cure this deficiency, the Examiner turns to Cilderman. As hereafter explained, however, the Examiner’s reliance on Cilderman is misplaced.

Cilderman teaches two counterweight guide rails 20, 22 and two car guide rails 16. In addition, Cilderman also teaches a stabilizer rail 38 that has a blade 40. The blade serves to engage rolls 48 that project from a beam 46 that is secured to an underside of the car 2. As a result of this interaction, “swaying of the car [2] as it traverses the hoistway will be minimized.” *See* Cilderman at col. 3, lines 3-14.

As disclosed, Cilderman teaches a third guide rail 38 that serves to minimize swaying of the car 2. Cilderman, however, fails to teach or suggest a third guide rail that serves to prevent a derailment of the car 2. Accordingly, Cilderman fails to cure the aforementioned deficiencies of Ach with respect to claim 13.

In light of the foregoing, as the combination of Ach and Cilderman fails to teach or suggest each of the limitations of claim 13, the references can not be used to reject claim 13 under 35 U.S.C. § 103(a). Accordingly, a withdrawal of the rejection of claim 13 is both warranted and respectfully requested.

3. New Claim 15

New claim 15 has been added to depend from allowable claim 13 and is, therefore, allowable for at least the same reasons as claim 13. Further, new claim 15 recites the same limitations as claim 14 and, therefore, new claim 15 does not present new matter.

CONCLUSION

In light of the foregoing, claims 8 and 10-15 are in condition for allowance. If the Examiner believes that a telephone conference will be useful to move this case forward toward issue, Applicant's representative will be happy to discuss any issues regarding this application and can be contacted at the telephone number indicated below.

Respectfully submitted,

Date: January 9, 2008
Customer Number: 26584
OTIS ELEVATOR COMPANY
10 Farm Springs Road
Farmington, CT 06032

By: 

Frederic T. Tenney
Registration No. 47,151

Direct Dial: 860-676-6243
Direct Fax: 860-660-7337